

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JANICE K. LACHMAN, State Bar No. 186131  
Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, CA 94244-2550  
5 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. AR 2002-234

12 CLYDE LORANG COOPER  
2709 Mill Oak Drive  
13 Modesto, CA 95355

**A C C U S A T I O N**

14 Occupational Therapy Assistant Certificate No.  
OTA 1143

15  
16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Gretchen L. Kjose (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the California Board of Occupational Therapy,  
22 Department of Consumer Affairs.

23 2. On or about February 28, 2003, the California Board of Occupational  
24 Therapy issued Occupational Therapy Assistant Certificate Number OTA 1143 to CLYDE  
25 LORANG COOPER (Respondent). The Occupational Therapy Assistant Certificate was in full  
26 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
27 2004, unless renewed.

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JURISDICTION

3. This Accusation is brought before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws.

All section references are to the Business and Professions Code unless otherwise indicated.

4. Business and Professions Code ("hereinafter, "Code") section 2570.26 provides, in pertinent part, that the Board "may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit."

5. Code section 2570.28 provides that the Board "may deny or discipline a licensee for any of the following", including:

"(a) Unprofessional conduct....

(d) Making or giving any false statement or information in connection with the application for issuance or renewal of a license....

(h) Committing any...corrupt act that is substantially related to the qualifications, functions, or duties of a licensee....

(i) Committing any act punishable as a sexually related crime, if that act is substantially related to the qualifications, functions, or duties of a licensee...

(j) Using excessive force upon or mistreating or abusing any patient...."

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

7. Respondent is subject to disciplinary action for unprofessional conduct under section 2570.28(a) of the Code as follows:

A. On or about December 1, 2002, Respondent, an employee of Soleus Healthcare Agency, went to the residence of S.P. in order to provide occupational therapy to S.P. for a shoulder injury. After Respondent and S.P. reviewed and discussed S.P.'s rehabilitation

goals and ways to achieve them, Respondent provided a massage of S.P.'s injured shoulder, although this was not part of S.P.'s treatment plan. During the massage, Respondent made inappropriate contact with S.P.'s breasts.

B. On or around late August 2002, while working as an occupational therapy assistant at Stanislaus County Health Services Agency, Respondent was assigned to provide therapy to C.C., who had problems with her right forearm. C.C. and Respondent were already acquainted from having seen each other at the facility. During about the second therapy session, Respondent started to talk about sex while massaging C.C.'s arm, and made several inappropriate suggestions and comments regarding the possibility of sexual relations with C.C. At the same time, Respondent began to make contact with C.C.'s breast as he massaged her arm. C.C. told Respondent to stop and the massage ended.

#### SECOND CAUSE FOR DISCIPLINE

(Substantially Related Corrupt Acts)

8. Respondent is subject to disciplinary action under section 2570.28(h) of the Code in that Respondent committed corrupt acts substantially related to the qualifications, functions, and duties of a licensee, as more fully set forth in paragraphs 7A and 7B.

#### THIRD CAUSE FOR DISCIPLINE

(Act Punishable As Sexually Related Crime)

9. Respondent is subject to disciplinary action under section 2570.28(i) of the Code in that Respondent engaged acts punishable as sexually related crimes under Penal Code section 243.4 (sexual battery), as more fully set forth in paragraphs 7A and 7B.

#### FOURTH CAUSE FOR DISCIPLINE

(Patient Mistreatment/Abuse)

10. Respondent is subject to disciplinary action under section 2570.28(j) of the Code in that Respondent engaged in mistreatment and/or abuse of patients, as more fully set forth in paragraphs 7A and 7B.

///

///

1 FIFTH CAUSE FOR DISCIPLINE

2 (False Statement/Information On License Application)


3 11. Respondent is subject to disciplinary action under section 2570.28(d) of  
4 the Code in that on his application for certification as an Occupational Therapy Assistant, dated  
5 December 8, 2002, Respondent failed to disclose that he was currently employed with Soleus  
6 Healthcare Agency, and had been so employed since November 2002.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the California Board of Occupational Therapy issue a  
10 decision:

- 11 1. Revoking or suspending Occupational Therapy Assistant Certificate  
12 Number OTA 1143, issued to CLYDE LORANG COOPER;  
13 2. Ordering CLYDE LORANG COOPER to pay the California Board of  
14 Occupational Therapy the reasonable costs of the investigation and enforcement of this case,  
15 pursuant to Business and Professions Code section 125.3, and;  
16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: May 25, 2004

18  
19   
20 GRETCHEN L. KJOSE  
21 Executive Officer  
22 California Board of Occupational Therapy  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant  
26  
27  
28

acc.wpd  
jkl